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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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NEKKANTI SEA FOODS LIMITED,

Plaintiff,

Docket No. 19 cv ____ ()

- Against -

COMPLAINT

MEDITERRANEAN SHIPPING COMPANY S.A.,

Defendant.

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Plaintiff, Nekkanti Sea Foods Limited, by and through its attorneys Hill Rivkins LLP, as and for its Complaint against the above named defendant alleges upon information and belief as follows:

PARTIES

1. At and during all times hereinafter mentioned, Plaintiff Nekkanti Sea Foods Limited was and now is a corporation organized and existing under foreign law with an office and principal place of business in Visakhapatnam, India and was the owner of the subject shipment.

2. At and during all times hereinafter mentioned, Defendant Mediterranean Shipping Company S.A. ("MSC") was and now is a corporation organized and existing by virtue of foreign law with an office and principal place of business at 12-14 Chemin Rieu, 1208 Genève, Switzerland and was and now is engaged in business as a common carrier of goods for hire.

JURISDICTION

3. This Honorable Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1333 and this is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure.

4. The United States District Court for the Southern District of New York is the proper venue for this action by virtue of the forum selection clause contained in MSC's Terms and Conditions that was specifically incorporated into the relevant bill of lading fully described in Paragraph "6" herein.

5. Mediterranean Shipping Company (USA) Inc. ("MSC USA"), a corporation organized and existing under the laws of the State of New York, with a principal place of business at 420 Fifth Avenue, New York, New York 10018, is MSC's General Agent in the United States and as such, MSC USA is authorized to accept service of process on behalf of MSC.

THE CLAIM

6. On or about July 2018, there was delivered to defendant a shipment of shrimp in good order and condition and suitable in every respect for the intended transportation which defendant received, accepted and agreed to transport for certain consideration aboard the M/V WAN HAI 301 and GERDA MAERSK from India to the United States pursuant to MSC Bill of Lading No. MEDUMU731821.

5. Defendant failed to re-deliver the subject shipment in the same good order and condition as when it was received.

6. By reasons of the foregoing, defendant breached and violated its duties and

obligations as a common carrier and bailee of the cargo, was negligent and careless in its handling of the subject shipment and was otherwise at fault.

7. Plaintiff was the shipper, owner, consignee and/or insurer of the subject shipment and brings this action on its own behalf and on behalf of all parties who are or may become interested in the subject shipment, as their respective interests may ultimately appear, and plaintiff is entitled to maintain this action.

8. Plaintiff has performed all duties and obligations on its part to be performed.

9. By reason of the foregoing, plaintiff has sustained damages as nearly as same can now be estimated, no part of which has been paid, although duly demanded, in the total amount of \$100,470.40, plus interest, costs and attorneys' fees.

WHEREFORE, Plaintiff Nekkanti Sea Foods Limited prays:

1. That process in due form of law according to the practice of this Court may issue against the defendant.

2. That if the defendant cannot be found within this District, that all of their property within this District be attached in the sum set forth in this Complaint, with interest and costs.

3. That a decree may be entered in favor of plaintiff against defendant in the amount of plaintiff's damages, together with pre-judgment interest, costs and attorneys' fees.

4. Plaintiff further prays for such other, further and different relief as this Court

deems just and proper.

Dated: New York, New York
January 10, 2020

HILL RIVKINS LLP
Attorneys for Plaintiff

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